

REMARKS

Claims 1-4, 6-10 and 12-14 were previously pending.

Claims 5 and 11 were previously canceled.

Claims 2, 4 and 10 are canceled herein.

New Claims 19 and 20 are presented herein, and find support at original Claim 4(a).

Upon entry of the present amendments, Claims 1, 3, 6-9, 12-14 and 19-20 will be pending.

Claim 1 is amended. Support for the amendments is found at original Claims 2 and 4(a), and at SEQ ID NOs. 1-2 of the specification as-filed.

Claims 6 and 12 are amended to update dependencies.

Claim 8 is amended. Support for the amendment is found at original Claim 4(a), and at SEQ ID NOs. 1-2 of the specification as-filed

Applicants believe that no new matter is added by way of amendment.

I. Status of the Claims

The Examiner requested that Applicant change the status of Claim 12, which was inadvertently designated "Original" in the response filed 1 December 2006. The fact that Claim 12 had been amended in that response was reflected in the Remarks section, but was inadvertently not included in the listing of the claims. Claim 12 is further amended in this response, and thus the status is "Currently amended."

II. Rejection under 35 U.S.C. § 112, Second Paragraph

The Examiner rejected Claims 1-3, 7-9, 13 and 14 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for use of the term "p19". The Examiner suggested that the claims could be made definite by referring to p19 by identifying characteristics, such as SEQ ID NO. Accordingly, Claims 1 and 8 are amended herein to refer to an antigen-binding site of an antibody "that specifically binds to a polypeptide comprising residues 1-168 of SEQ ID NO: 2." Support for the amendments is found at

original Claims 4(a), 10(a), and at SEQ ID NOs. 1-2 (e.g. the <221> mat_peptide feature of SEQ ID NO. 1).

Dependent Claims 4 and 10 are canceled, and new independent Claims 19 and 20 are presented. The new claims are identical to amended Claims 1 and 8, except that the new claims refer to “a polypeptide comprising the sequence of SEQ ID NO: 2” rather than residues 1-168. Support for the new claims is found, e.g., at original Claims 4(a) and 10(a).

In view of the foregoing amendments, Applicants request that the rejection of Claims 1-3, 7-9, 13 and 14 under 35 U.S.C. §112, second paragraph, be withdrawn, and that new Claims 19 and 20 be entered and allowed.

III. Rejection under 35 U.S.C. § 112, First Paragraph, Enablement

The Examiner rejected Claims 1, 3, 4, 6, and 7 under 35 U.S.C. §112, first paragraph, for lack of enablement of the full scope of the phrase “modulating tumor growth.” Specifically, the Examiner argues that the specification, while enabling for methods of *inhibiting* tumor growth, is not enabling for methods of *stimulating* tumor growth, and that the phrase “modulating tumor growth” encompasses both inhibition and stimulation.

Claim 1 is amended to recite “inhibiting or preventing” in place of “modulating.” In light of this amendment to Claim 1, Claim 2 is canceled. Rejected Claims 3, 4, 6 and 7 all depend from amended Claim 1.

In view of the foregoing amendments, Applicants request that the rejection of Claims 1, 3, 4, 6, and 7 under 35 U.S.C. §112, first paragraph, be withdrawn.

Conclusion

Applicants’ current response is believed to be a complete reply to all the outstanding issues of the latest Office action. Further, the present response is a bona fide effort to place the application in condition for allowance or in better form for appeal. Accordingly, Applicant respectfully requests reconsideration and passage of the amended claims to allowance at the earliest possible convenience.

Applicant believes that no additional fees are due with this communication. Should this not be the case, the Commissioner is hereby authorized to debit any charges or refund any overpayments to DNAX Deposit Account No. 04-1239.

If the Examiner believes that a telephonic conference would aid the prosecution of this case in any way, please call the undersigned.

Respectfully submitted,

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